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July 10, 1997

Paul Harvey, Case Manager
Bureau of Federal Case Management
New Jersey Department
Environmental Protection
401 E. State Street, 5th Floor
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Trenton, New Jersey 08625

Re: CPS/Madison NPL Site

Dear Mr. Harvey:

I am in receipt of your letter dated June 18, 1997, wherein the Department approved the construction of the bypass system for the stripping tower. Also, recently the City received a copy of proposed CPS discharge permit for discharge of recovered groundwater to Pricketts Brook. Finally, the City received a copy of your letter approving the remediation to the area of stressed vegetation. With respect to all of these actions by the Department, the City is concerned that remedies are being proposed for a national priorities list site without the Department following the procedures requested by the National Contingency Plan (NCP).

On a numerous occasions in conjunction with the comments on the RI's, the City has written to remind the Department of the necessity to follow NCP procedures. The City is concerned that the Department is treating the CPS/Madison Site as simply a New Jersey Site Remediation Case rather than a delegated Federal CERCLA Case.

The NCP requires the preparation of an RI/FS followed by the development of a proposed remedy set forth in a Record of Decision, only after a public hearing. The City views the steps being taken by the Department to (1) shut off and establish the stripping tower on standby, (2) establish discharge of recovery well water to Pricketts Brook and (3) remediate the stressed vegetation area, as establishing permanent remedies before the RI/FS process is completed and without the required public hearing on the remedy.

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In addition, I recently attended a public hearing before the Old Bridge Zoning Board of Adjustment regarding an application by Madison to subdivide and develop the land adjacent to its present operations. The application submitted encompasses the lot and block upon which Madison has its existing facilities. At the hearing, the Zoning Board inquired as to whether any soil and groundwater sampling had been done in the area to be subdivided. The City is not aware that any sampling has been done in this area of Madison's property even though this area is part of the NPL site. Aerial photographs taken by the City in 1995 indicate a disturbance in this area. Since a review of aerial photographs is required by the NCP, please advise as to what information the Department has obtained in reviewing the aerials and what information has been supplied by Madison regarding the historic use of this area. Please be advised that the next meeting of the Zoning Board is September 4, 1997 and, therefore, the City will need a response prior to that meeting.

Because of the City's need to be kept more consistently informed of the activities concerning the CPS/Madison site, the City requests a meeting with the Department as soon as one can be scheduled. The City would like to re-establish quarterly meetings with the Department. Please call me upon receipt of this letter so we can schedule dates for no later than August, 1997.

Very truly yours,



Leah C. Healey

LCH:mb

c: C. Licata, DAG
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